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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 127**

**The Waste Regulations (Northern Ireland) 2011**

**PART 3**

**Waste**

**Interpretation of Part 3**

9.—(1) In this Part the following definitions apply:-

[<sup>F1</sup>“appropriate authority” means the Department of Agriculture, Environment and Rural Affairs;]

[<sup>F2</sup>“best available techniques” [<sup>F3</sup>has the same meaning as in the Waste Management Licensing Regulations (Northern Ireland) 2003];]

“bio-waste” means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants;

“broker” means any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;

“collection” means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

“co-mingled collection” means the collection of waste streams intended for recycling together with each other but separately from other waste;

<sup>F4</sup>  
...

“dealer” means any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;

“disposal” means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy (and Annex I to the Waste Framework Directive sets out a non-exhaustive list of disposal operations);

[<sup>F5</sup>“EU-derived domestic legislation” has the meaning given by section 2(2) of the European Union (Withdrawal) Act 2018;]

“hazardous waste” has the same meaning as given in regulation 6 of the Hazardous Waste Regulations (Northern Ireland) 2005 (waste which displays one or more of the hazardous properties listed in Annex III of the Waste Framework Directive);

“holder” means the producer of the waste or the natural or legal person who is in possession of it;

“household waste” means waste generated by households;

[<sup>F6</sup>“Industrial Emissions Directive” means Directive [2010/75/EC](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention control);]

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Waste Regulations (Northern Ireland) 2011, Section 9. (See end of Document for details)*

“Landfill Directive” means Council Directive [1999/31/EC](#) on the landfill of waste, as last amended by Directive (EU) 2018/850, read in accordance with regulation 9B; and

“local authority” means a district council established under section 1 of the Local Government Act (Northern Ireland) 1972;]

“material recovery” means any recovery operation, excluding energy recovery and the reprocessing into materials which are used as fuel;

[<sup>F7</sup>“Mining Waste Directive” means Directive [2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries, read in accordance with regulation 9C;]

[<sup>F8</sup>“municipal waste” means—

- (a) mixed waste and separately collected waste from households, including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture; and
- (b) mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households;

but does not include waste from production, agriculture, forestry, fishing, septic tanks and sewage network and treatment, including sewage sludge, end-of-life vehicles or waste generated by construction and demolition activities;]

“pollution of the environment” means pollution of the environment due to the release or escape (into any environmental medium) from—

- (a) the land on which waste is treated;
- (b) the land on which waste is kept;
- (c) the land in or on which waste is deposited;
- (d) fixed plant by means of which waste is treated, kept or disposed of,

of substances or articles constituting or resulting from the waste and capable (by reason of the quantity or concentrations involved) of causing harm to humans or to any other living organisms supported by the environment; and this definition applies in relation to mobile plant by means of which waste is treated or disposed of as it applies to fixed plant on land by means of which waste is treated or disposed of;

“preparing for re-use” means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing;

“prevention” means measures taken before a substance, material or product has become waste, that reduce—

- (e) the quantity of waste, including through the re-use of products or the extension of the life span of products;
- (f) the adverse impacts of the generated waste on the environment and human health; or
- (g) the content of [<sup>F9</sup>hazardous] substances in materials and products;

“producer” means any person whose activities produce waste (original waste producer) or any person who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;

“public consultees” means the persons to whose attention proposals for the waste prevention programme are brought by the Department pursuant to regulation 15(1)(b);

[<sup>F10</sup>“recovery” means any operation the principal result of which is the waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared for that function, in the plant or in the wider economy. [<sup>F11</sup>Annex II to the Waste Framework Directive] sets out a non-exhaustive list of recovery operations;]

“recycling” means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;

“regeneration of waste oils” means any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils;

“re-use” means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

“separate collection” means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment;

“the Industrial Pollution Control Order” means the Industrial Pollution Control (Northern Ireland) Order 1997;

“the Waste Framework Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste [<sup>F12</sup>as last amended by Directive [<sup>F13</sup>(EU) 2018/851]] [<sup>F14</sup>and as read in accordance with regulation 9D];

“the Waste Hierarchy” means the priority order which shall apply to the prevention and management of waste as follows—

- (a) prevention;
- (b) preparing for re-use;
- (c) recycling;
- (d) other recovery, e.g. energy recovery; and
- (e) disposal;

“treatment” means recovery or disposal operations, including preparation prior to recovery or disposal;

“waste” means any substance or object which the holder discards or intends or is required to discard;

“waste management” means the collection, transport, recovery and disposal of waste, including the supervision of such operations, the after-care of disposal sites, and actions taken as a dealer or broker;

“waste prevention programme” means one or more programmes of waste prevention measures established in accordance with regulation 10;

“waste producer” means any person whose activities produce waste (original waste producer) or any person who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste.

(2) Subject to regulation 25, these regulations do not apply in relation to waste which is excluded from the scope of the waste framework directive by Articles 2(1), (2) or (3) of that Directive.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Waste Regulations (Northern Ireland) 2011, Section 9. (See end of Document for details)*

### Textual Amendments

- F1** Words in [reg. 9\(1\)](#) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(2)(a)**
- F2** Words in [reg. 9\(1\)](#) substituted (24.12.2018) by [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), **Sch. 1 para. 29(a)**
- F3** Words in [reg. 9\(1\)](#) substituted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(2)(b)**
- F4** Words in [reg. 9](#) omitted (18.12.2020) by virtue of [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(2)(a)**
- F5** Words in [reg. 9\(1\)](#) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(2)(c)**
- F6** Words in [reg. 9\(1\)](#) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(2)(d)** (as amended by [S.R. 2020/284](#), regs. 1(1), **4(5)(a)**)
- F7** Words in [reg. 9\(1\)](#) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(2)(e)**
- F8** Words in [reg. 9](#) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(2)(b)**
- F9** Word in [reg. 9](#) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(2)(e)**
- F10** Words in [reg. 9\(1\)](#) substituted (15.7.2016) by [The Waste \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/95\)](#), regs. 1(1), **7(2)(b)**
- F11** Words in [reg. 9](#) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(2)(c)**
- F12** Words in [reg. 9\(1\)](#) added (24.12.2018) by [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), **Sch. 1 para. 29(b)**
- F13** Words in [reg. 9](#) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **10(2)(d)**
- F14** Words in [reg. 9\(1\)](#) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(2)(f)**

### Commencement Information

- I1** Reg. 9 in operation at 8.4.2011, see [reg. 1\(1\)](#)

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Waste Regulations (Northern Ireland) 2011, Section 9.